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Kenneth A. Nicoll

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EXAMINER

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* KENNETH A. NICOLL,
9 MARK M. GROSSI, and
10 GRANT C. PATON
11

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13 Appeal 2009-009101
14 Application 09/891,920
15 Technology Center 3600
16

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18 Decided: March 26, 2010
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21 Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU R.
22 MOHANTY, *Administrative Patent Judges*.
23 FETTING, *Administrative Patent Judge*.

24 DECISION ON APPEAL
25

STATEMENT OF THE CASE

Kenneth A. Nicoll, Mark M. Grossi, and Grant C. Paton (Appellants) seek review under 35 U.S.C. § 134 (2002) of a final rejection of claim 1, the only claim pending in the application on appeal.

We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION¹

We AFFIRM.

THE INVENTION

The Appellants invented a self-service terminal capable of dispensing multiple media types through multiple media pick and dispense mechanisms (Specification 1:4-7).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

1. A self-service terminal comprising:

a plurality of separate media modules, each media module being operatively associated with a separate pick mechanism for picking media from the media module and transferring the picked media to a media dispense path, at least a first one of the media modules being associated with a separate vacuum pick

¹ Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed October 29, 2008) and the Examiner's Answer ("Ans.," mailed December 9, 2008), and Final Rejection ("Final Rej.," mailed June 5, 2008).

1 mechanism, and at least a second one of the media modules
2 being associated with a separate friction pick mechanism.
3

4 THE REJECTIONS

5 The Examiner relies upon the following prior art:

Graef et al.	US 6,484,380 B2	Nov. 26, 2002
Lynch et al.	US 6,029,971	Feb. 29, 2000
Sevak et al.	US 3,961,784	Jun. 8, 1976

6

7 Claim 1 stands rejected under 35 U.S.C. § 103(a) as unpatentable over
8 Graef, Lynch, and Sevak.

9 ISSUE

10 The issue of whether the Examiner erred in rejecting claim 1 under 35
11 U.S.C. § 103(a) as unpatentable over Graef, Lynch, and Sevak turns on
12 whether the prior art describes a first media module associated with a
13 vacuum pick mechanism and a second media module associated with a
14 friction pick mechanism.

15 FACTS PERTINENT TO THE ISSUES

16 The following enumerated Findings of Fact (FF) are believed to be
17 supported by a preponderance of the evidence.

18 *Facts Related to the Prior Art*

19 *Graef*

1 01. Graef is directed to an automated transaction machine (ATM)
2 including a note delivery mechanism and sheet transport (Graef
3 1:11-14).

4 02. Graef describes an ATM that includes four sheet dispensing
5 mechanisms that are responsive to the controller to pick sheets
6 (Graef 7:26-29). Canisters are used to house sheets, such as bank
7 notes, coupons, scrip, tickets, money orders or other items of
8 value (Graef 7:42-47). The controller operates the dispenser
9 mechanism to cause sheets to be selectively dispensed from the
10 canisters (Graef 7:47-51). Notes are engaged with a transport
11 mechanisms that consists of a plurality of belts and rollers (Graef
12 7:53-59). The picking members include an outer surface of ribbed
13 relatively high friction portion that is used in picking (Graef
14 10:16-32). The picked sheets are transported from a first transport
15 to a second transport (Graef 7:58-61). The second transport also
16 includes a plurality of continuous belts and rollers (Graef 7:62-
17 67). When a desired number of notes have been collected in a
18 stack in the second transport, the stack is moved toward a user
19 (Graef 8:3-8).

20 03. Graef further describes that the picking member is readily
21 retrofit to an existing automated banking machine (Graef 13:64-
22 67).

23 *Lynch*

04. Lynch is directed to a sheet feeding apparatus for picking sheets one by one from a stack of sheets and moving the picked sheets away from the stack (Lynch 1:4-6).

05. Lynch describes that sheet feeding apparatus are commonly include either the vacuum pick or friction pick types (Lynch 1:7-8). Vacuum pick systems separate a first sheet from the rest of the sheets using a suction member and are particularly advantageous for sheets that are non-porous (Lynch 1:8-12). Lynch further describes a sheet feeding apparatus of the friction pick type that is highly tolerant to wear (Lynch 2:15-19).

Sevak

06. Sevak is directed to a document transport apparatus in a document reader sorter with a vacuum assisted friction feeder for picking documents (Sevak: abstract).

07. Sevak describes a picking system that involves using a low pressure vacuum to lock a leading document or sheet against a belt (Sevak 5:39-44). A high pressure vacuum advances the leading document at high speed into a document transport guideway (Sevak 5:45-64).

PRINCIPLES OF LAW

Obviousness

A claimed invention is unpatentable if the differences between it and the prior art are “such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

1 in the art.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007); *Graham*
2 *v. John Deere Co.*, 383 U.S. 1, 13-14 (1966).

3 In *Graham*, the Court held that that the obviousness analysis is
4 bottomed on several basic factual inquiries: “[(1)] the scope and content of
5 the prior art are to be determined; [(2)] differences between the prior art and
6 the claims at issue are to be ascertained; and [(3)] the level of ordinary skill
7 in the pertinent art resolved.” *Graham*, 383 U.S. at 17. *See also KSR*, 550
8 U.S. at 406. “The combination of familiar elements according to known
9 methods is likely to be obvious when it does no more than yield predictable
10 results.” *Id.* at 416.

11 ANALYSIS

12 *Claim 1 rejected under 35 U.S.C. § 103(a) as unpatentable over Graef,*
13 *Lynch, and Sevak*

14 The Appellants contend that Graef, Lynch, and Sevak fail to describe a
15 self-service terminal which comprises both a vacuum pick mechanism which
16 is associated with one of a plurality of separate media modules and a
17 separate friction pick mechanism which is associated with another one of the
18 plurality of separate media modules (App. Br. 3-4).

19 We disagree with the Appellants. Claim 1 requires in part a first media
20 module associated with a vacuum pick mechanism and a second media
21 module associated with a friction pick mechanism.

22 Graef describes an automated teller machine (ATM) that uses four sheet
23 dispensing mechanisms for multiple media types (FF 02). Graef further
24 describes the use of a friction picking type that selects and dispenses media
25 from the ATM (FF 02). Lynch also describes a friction pick type ATM

1 machine and further illustrates that vacuum pick systems use a suction
2 member to separate a first sheet from a stack of sheets (FF 05). Sevak
3 describes a document feeder with a vacuum pick type (FF 07). As such, the
4 combination of Graef, Lynch, and Sevak describe both a vacuum pick
5 mechanism and a friction pick mechanism for document feeders and ATM
6 machines.

7 Graef also describes an ATM that consists of multiple transports used for
8 moving media throughout the machine and for dispensing media out of the
9 machine (FF 02). Graef further describes that this friction picking member
10 can be retrofit to be implemented in other existing ATM machines (FF 03).
11 The use of multiple transports and the ability to implement a friction pick
12 system in to other machines suggests the use of multiple pick members that
13 operate independent and separate of each other in the same ATM machine.
14 As such, the combination of Graef, Lynch, and Sevak describe a first media
15 module associated with a vacuum pick mechanism and a second media
16 module associated with a friction pick mechanism as required by claim 1.

17 CONCLUSIONS OF LAW

18 The Examiner did not err in rejecting claim 1 under 35 U.S.C. § 103(a)
19 as unpatentable over Graef, Lynch, and Sevak.

21 DECISION

22 To summarize, our decision is as follows.

- 23 • The rejection of claim 1 under 35 U.S.C. § 103(a) as unpatentable
24 over Graef, Lynch, and Sevak is sustained.

